

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JAMAL A. AZEEZ,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00106

KRISTEN L. KELLER, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is pro se Plaintiff Jamal A. Azeez's objections [Docket 104] to United States Magistrate Judge R. Clarke VanDervort's Order of April 1, 2010 [Docket 101]. Said Order denied Plaintiff's Motion for an Order of Expungement of Criminal Records [Docket 90] and denied as moot his Motion for an Expedited Ruling on Motion for Expungement of Criminal Records [Docket 100]. In said Order, Magistrate Judge VanDervort also granted Defendants Cole, Cook, Davis, Frail, Keller, Lazenby, and Robertson's Motion to Strike Plaintiff's Motion for an Order of Expungement of Criminal Records [Docket 91]. This action was originally referred to Magistrate Judge VanDervort on February 22, 2006.


The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of de novo review and Petitioner's right to appeal this Court's order. *See Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v.*

Schronce, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's Order were due by April 12, 2010. Plaintiff untimely filed objections on April 13, 2010.

Although Plaintiff's objections were untimely, the Court has reviewed them in the interests of justice. However, upon consideration of Plaintiff's objections and upon de novo review of Magistrate Judge VanDervort's Order, the Court finds no error. Therefore, the Court **ORDERS** Plaintiff's objections **OVERRULED** and **AFFIRMS** the April 1, 2010 Order.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 22, 2010



IRENE C. BERGER, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA